

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:20-CV-710-FDW-DSC**

HAYWARD INDUSTRIES, INC.,

Plaintiff,

v.

BLUEWORKS CORPORATION,
BLUEWORKS INNOVATION
CORPORATION, NINGBO C.F.
ELECTRONIC TECH CO., LTD; NINGBO
YISHANG IMPORT AND EXPORT CO.,
LTD.

Defendants.

**DECLARATION OF SERVICE
ON DEFENDANT
BLUEWORKS CORPORATION**

I, Russ Ferguson, declare under penalty of perjury as follows:

1. I am an attorney at Womble Bond Dickinson (US) LLP representing Plaintiff Hayward Industries, Inc. in the above-captioned action.

2. Service was made on BlueWorks Corporation by sending the following documents by FedEx Priority Overnight service to BlueWorks Corporation, care of its Registered Agent: Haoqi Sun to 12245 Nations Ford Road, Suite 501, Pineville, NC 28134:

- a. Summons issued to BlueWorks Corporation (Doc. No. 5-3);
- b. Complaint (Doc. No. 1);
- c. Corporate Disclosure (Doc. No. 2);
- d. Motion for Admission *Pro Hac Vice* for Erik Paul Belt (Doc. No. 3);
- e. Motion for Admission *Pro Hac Vice* for Anne E. Shannon (Doc. No. 4);
- f. Report on the Filing or Determination of an Action Regarding a Patent or Trademark (Doc. No. 6); and

g. Court's Case Assignment Packet.

3. According to FedEx, the package was delivered on December 29, 2020.

4. A copy of the FedEx delivery confirmation with signature confirmation confirming receipt on December 29, 2020 is attached hereto as **Exhibit A**.

5. Fed. R. Civ. P. 4(e)(1) permits service "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made." *See also* Fed. R. Civ. P. 4(h)(1)(A) (permitting service on a corporation by "the manner prescribed in Rule 4(e)(1) for serving an individual"). In turn, N.C. Gen. Stat. § 1A-1, Rule 4(j)(6)(d) permits service on a corporation by "depositing with a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) a copy of the summons and Complaint, addressed to the officer, director, or agent to be served . . . and obtaining a delivery receipt." Thus, service by FedEx Priority Overnight with a delivery receipt, as attached as **Exhibit A**, constitutes proper service.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 29, 2020

s/ Russ Ferguson

W. Clark Goodman (N.C. Bar. No. 19927)

Russ Ferguson (N.C. Bar No. 39671)

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*Motions for admission *pro hac vice* pending

Attorneys for Plaintiff
Hayward Industries, Inc.

EXHIBIT A



December 29, 2020

Dear Customer,

The following is the proof-of-delivery for tracking number: 781979526770

Delivery Information:

Status:	Delivered	Delivered To:	Receptionist/Front Desk
Signed for by:	G.GILBERTE	Delivery Location:	12245 NATIONS FORD RD STE 502
Service type:	FedEx Priority Overnight		PINEVILLE, NC, 28134
Special Handling:	Deliver Weekday	Delivery date:	Dec 29, 2020 09:26

Shipping Information:

Tracking number:	781979526770	Ship Date:	Dec 28, 2020
		Weight:	1.0 LB/0.45 KG

Recipient:
Blueworks Corporation, C/O Registered Agent: Haoqi sun
12245 NATIONS FORD RD STE 501
PINEVILLE, NC, US, 28134

Shipper:
Thomas Russell Ferguson, Womble Bond Dickinson (US) LLP
One Wells Fargo Center Suite 3500
301 South College Street
Charlotte, NC, US, 28202

Reference 111876-0001.1/2350

